

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLINA TANJUTCO,

Petitioner,

-against-

NYLIFE SECURITIES LLC; NEW YORK
LIFE INSURANCE COMPANY; FINANCIAL
INDUSTRY REGULATORY AUTHORITY;
SECURITIES AND EXCHANGE
COMMISSION,

Respondents.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/24/2023

23-CV-4889 (VEC)

ORDER OF SERVICE

VALERIE CAPRONI, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under the Federal Arbitration Act, seeking to confirm in part and vacate in part an award issued by a panel of the Financial Industry Regulatory Authority. By order dated June 29, 2023, the Court granted Petitioner's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve

¹ By order dated July 27, 2023, the Hon. Laura Taylor Swain, in her capacity as Chief Judge, dismissed the petition for lack of subject matter jurisdiction, but granted Petitioner leave to file an amended petition. (ECF 7.) Petitioner filed an amended petition on September 27, 2023. The amended petition (ECF 11) is the operative pleading.

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the amended petition until the Court reviewed the amended petition and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Petitioner to effect service on Respondents NYLife Securities LLC, New York Life Insurance Company, Financial Industry Regulatory Authority, and Securities and Exchange Commission through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Respondents. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Respondents.

If the amended petition is not served within 90 days after the date summonses are issued, Petitioner should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Petitioner must notify the Court in writing if her address changes, and the Court may dismiss the action if Petitioner fails to do so.

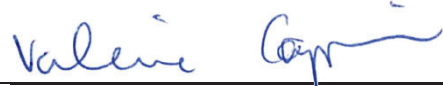
CONCLUSION

The Clerk of Court is directed to issue summonses for NYLife Securities LLC, New York Life Insurance Company, Financial Industry Regulatory Authority, and Securities and Exchange Commission, complete the USM-285 forms with the addresses for these Respondents, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is further directed to mail a copy of this order and an information package to Petitioner at the address on file and at 555 Main Street, Apt. 105, New York, NY 10044.

SO ORDERED.

Dated: October 24, 2023
New York, New York



VALERIE CAPRONI
United States District Judge

RESPONDENTS AND SERVICE ADDRESSES

1. NYLife Securities LLC
4849 Greenville Avenue, Suite 700
Dallas, TX 75206
2. New York Life Insurance Company
6300 Wilshire Blvd.
Los Angeles, CA 90048
3. Financial Industry Regulatory Authority
1735 K Street NW
Washington, DC 20006
4. Securities and Exchange Commission
100 F Street
Washington, DC 20549